



Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION NO. 536 OF 2005

PETITIONER

Smt. Sharmistha Agarwal,
wife of Dr. Arjun Lal Agarwal,
aged about 51 years, resident
of A-9/2, Rajeev Nagar,
Raipur.

VS

RESPONDENTS:

1. Smt. Vimla Sharma, aged
about 45 years, wife of Late
Mahesh Sharma.

2. Manish Sharma, aged about
24 years, son of Late
Mahesh Sharma.

3. Mukesh Sharma, aged
about 22 years, Late
Mahesh Sharma.

4. Ku. Ritu Sharma, aged
about 20 years, daughter of
Late Mahesh Sharma.

All residents of 2nd Floor,
Saraswati Niketan, 21/501
Ramsagar Para, Raipur.

RA. No. 549/05
Presented by B. P. Sharma
dated 10-02-05



WRIT PETITION UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. NO. 536/05 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	1-3-2005 Shri Ajit Singh, counsel for the petitioner. The petitioner has preferred this writ petition under Article 227 of the Constitution of India seeking relief that writ of mandamus be issued commanding and directing the Court below to conclude the trial of the civil suit No.100-A/2002 between Smt. Sharmishta Agarwal V. Smt. Vimla Sharma and others. I have heard learned counsel for the petitioner on admission and perused the writ petition. Learned counsel for the petitioner submits that the suit was filed in the year 1999, but the hearing of the suit is not being taken up expeditiously. Perusal of the petition reveals that from time to time the respondents filed applications and those applications were disposed of by the trial Court. As per the orders of the trial Court the plaintiff moved an application for amendment of the pleadings and the same was allowed. Thereafter, issues were framed and the matter has been fixed for evidence. It has nowhere been mentioned in the petition that the trial Court is not proceeding with the trial of the case deliberately. If the trial Court is not proceeding with the trial as per the provisions of C.P.C., then the petitioner is at liberty to move an application before	

आदेश पत्रक

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -२-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	the trial Court to proceed with the trial of the suit in accordance with the provisions of C.P.C.. After the recent amendments in the C.P.C., a fixed time schedule has been given in respect of adjournment to be given by the Court i.e. for filing written statement, for adducing evidence etc. and if the trial Court is not proceeding with the trial in accordance with the provisions of C.P.C., the petitioner can move the trial Court. In the circumstances, no writ of mandamus can be issued for directing the trial Court to decide the civil suit within a particular time. The writ petition is liable to be dismissed and it is accordingly dismissed. Consequently, I.A. No.1140/2005 stands disposed of.	Sd/- L.C.Bhadoo Judge

Barve

(पीछे देखिये)

9.3.05